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1849

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CALIFORNIA AND NEW MEXICO.

SPEECH

OF

MR. WM. B. PRESTON, OF VIRGINIA,

IN

THE HOUSE OF REPRESENTATIVES, FEBRUARY 7, 1849,

ON THE

**FORMATION OF A NEW STATE OUT OF THE TERRI-
TORIES OF CALIFORNIA AND NEW MEXICO.**

WASHINGTON:

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SPEECH.

The Committee of the Whole House on the State of the Union having under consideration the bill making appropriations for certain fortifications for the United States, for the year ending 30th June, 1850, (Mr. MOREHEAD, of Kentucky, in the chair)—

Mr. PRESTON moved to strike out the first section of the bill. He understood, he said, that, under the rule of the House, on a bill of this character, he would be at liberty to express his opinions upon any such topics connected with the general welfare of the country as his taste or his inclination might suggest to him. For that reason he would ask the Clerk to read a paper which he held in his hand, as introductory to the speech which he proposed to make to the House on this occasion.

The Clerk thereupon read the following bill:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress doth consent that a new State may be erected out of and including all that territory ceded to the United States by the treaty of peace, friendship, limits, and settlement with the Republic of Mexico, concluded 2d February, 1848, with a republican form of government, to be adopted by the inhabitants of said territory, assembled by delegates in convention, as hereinafter provided for that purpose, in order that the said State may be admitted into this Union.

SEC. 2. *And be it further enacted,* That the foregoing consent of Congress is given upon the following reservations and conditions: First. That the United States hereby unconditionally reserves to the Federal Government all right of property in the public domain, and other property ceded to the United States by the treaty of peace aforesaid, free from all taxes or assessments of any kind by the said State; and, also, the power of disposing of the same, including the right of adjusting all claim and title to land derived from foreign governments, in such manner as Congress shall prescribe. Second. That the new State shall be formed and its government adopted prior to the first day of October, in the year of our Lord 1849.

SEC. 3. *And be it further enacted,* That, on the said first day of October, 1849, the said new State having been thus formed by the name and style of the State of California, and with the consent of the people thereof, shall be received and admitted into the Union as a new and entire member of the United States of America.

SEC. 4. *And be it further enacted,* That the acting Governor of California, so soon as he shall be provided with a copy of this act, to the end that the people may have an opportunity of establishing for themselves a constitution and republican form of government for said State prior to the first day of October next, shall immediately proceed to lay off the country, embraced within the limits of the proposed State, into convenient districts for the election of delegates to a convention for the purpose of forming a State constitution, and shall designate the time and place of holding the election in each district, appoint the officers to conduct the same, and prescribe the mode of making the returns thereof, and shall apportion the delegates, fifty in all, among the several districts, as near as may be, according to the number of legal voters in each; and he shall also designate the time and place for the assembling of said convention. Every white male inhabitant of said Territory, being an actual resident of the proposed State, and having attained the age of twenty-one years, shall be entitled to vote at said election.

SEC. 5. *And be it further enacted,* That the State of California, when admitted into this Union, in conformity with the provisions of this act, shall be entitled and continue to be entitled, until the next general census, to two Representatives in the House of Representatives of the United States; and in all other respects, as far as they may be applicable, the laws of the United States shall extend to, and have force in, the State of California.

Mr. PRESTON then proceeded to address the committee as follows:

Mr. CHAIRMAN: Those who have listened to the reading of the bill will unquestionably concur with me in the fact, that the proposition which I propose

to discuss is one of great gravity and of vast interest to this whole nation. Some two weeks ago I moved to make the Territorial bills the special order of the day for Tuesday week last. Other bills, however, had priority over them. I began to be apprehensive that I might not have the opportunity I desired to offer the bill just read as a substitute for the Territorial bills; and I felt that it was proper that I should avail myself of this the first opportunity I have had to present the views I entertain on this great and momentous question.

I suppose I need not offer any apology for appearing before this House to-day. I have rarely troubled them in the short period during which I have been honored with a seat here. I have listened attentively and patiently to the discussion of this slave question—a question which deeply involves the interest and feelings of the country which I represent, and of the whole country which I love. I have listened, day after day, calmly and carefully. I have not in anywise attempted to foment or increase those feelings which parties and sections, and personal aspiration and ambition, have thrown around it. I have not heretofore, and shall not upon this occasion, go into the consideration of the question which gentlemen have discussed here so long, so ably, so patiently, as to the merits or demerits of our peculiar system in the South, or the merits of those principles which gentlemen of the North propose to lead in by Congressional legislation here upon us. I shall not go into the question as to who have produced the evils, and who are responsible for the difficulties, which surround us. I shall address myself to the remedies which suggest themselves to my mind, for difficulties and dangers acknowledged by all. It has been called the great question of the age. I will attempt to try it by the great principle of the age. Having taken my stand deliberately and determinedly on this question, on this day and this hour, I stake myself upon the principles of this bill. I stake myself upon the principle which I propose now to explain and illustrate; and I hope and believe that the good men, and the calm men, and the wise men of all parties, will forget the sectional and party questions which divide them, and come forward upon a remedy that commends itself by every principle which lies at the foundation of that Government which we have made, or which, I should rather say, our fathers have made for us, and that we should apply that very rule to the Government of that country which fortune, arms, and conquest have brought within our control.

I might make another remark. In the great calamity, and in the great embarrassment which have overclouded the land, I feel what all men feel in adversity and distress—that the very emergency, the very exigency which is upon the country, takes from us the general responsibility which attaches to all, and fixes upon each and all of us an individual responsibility that makes me, humble as I am, feel that I have the burdens of all.

The proposition which I offer, I offer as a substitute for the territorial bills.

now on your table. Let us for one moment examine the principles upon which the territorial bill rests. What, sir, is this territorial government, and what the true character of that issue upon which we are dividing this empire, and producing this great distraction in the land? Is it one of the original objects and ends of this Government to hold and to retain territorial dominion? Is it anything but a trust power, which is declared in the Constitution, in a single clause, which I will not stop to read, not as the basis upon which we should, in the hereafter and in the thereafter, legislate for the creation, for the maintenance, for the advancement of proconsular territorial governments abroad? That is not the Constitution under which we live. The territorial power construed either as gentlemen from the North or as gentlemen from the South construe it, is but a secondary power or trust in this Government. What is the primary trust? What is this power which was given to admit new States? What is this power in the Constitution, in which it is declared that we shall make such rules and regulations as are necessary for the government of the territories, made for? Was it that this House should be converted into a municipal legislature? Was it that we should spend days, weeks, months, and years in legislating upon distant and small territorial questions—strictly municipal questions? No, sir. The great trust—the great power—the great reason why that clause in the Constitution was introduced, was upon this principle, and this alone. Sir, territorial dominion was given to us, not that we might place slavery there, or freedom there—not that we might go into municipal legislation in detail for these provinces—but it was that we should rear up there sovereign and independent States. That is the primary trust in the Constitution. The territorial trust is limited in its duration. In the first resolution, in relation to the cession of territory by the States, under the old Confederation, before we had entered upon the form of Government under which we have so happily lived, in that resolution, (which I have before me, but which I will not occupy the time of the House by reading,) it was declared that we shall create sovereign States. And we were invited—Virginia was invited—to cede her lands to create sovereign States; when? As soon—at the very first moment—at the very first period of time that the imperative law of necessity ceased to exist, by which they were kept in territorial subjection. Whenever the period had arrived that there was a population there large enough in numbers, the great primary object of the trust arose instantly, and on the spot; and he who keeps these people in territorial bondage keeps them in oppression, for the first great primary trust is that they shall become sovereign States.

How was it again in the ordinance of 1787? In that very ordinance it is declared, in terms, that as soon as sixty thousand people are found in the Territory, and sooner if possible, they shall be admitted as a State. What does all this look to? Sir, it looks to the great proposition that our forefathers intended,

at the first moment of time, to bring every citizen of this nation upon the broad, elevated American platform of popular sovereignty, resting with the people and with no government whatsoever.

Sir, in the treaty of Louisiana, out of which we have made territories, the phrase there is, that they shall be brought in "as soon as possible"—at the earliest moment of time. In this Mexican treaty it is declared that they shall be brought in at the discretion of Congress. Aye, but it is a discretion to be exercised upon the principle of the trust. It is a judicial discretion; it is a legal discretion. It is a discretion in accordance with the principles of our Government. It is no arbitrary power; it is no arbitrary discretion which authorizes you to withhold from them that right while you plant slavery there, while you plant a tariff there, or while you plant your "no slavery" doctrines there; or, indeed, while you plant any particular system of policy there. That is not the principle. The principle is, that the trust must be resigned at the first moment of time at which you can possibly discharge yourself of it.

Sir, look for one moment at this question in another aspect; and what is it? In any form it is but a transient and temporary question. Gentlemen are arraying themselves against each other, declaring that they will have, or will not have, Wilmot provisoism. Gentlemen say, "resistance or submission." No, sir; no sir; that is not the true issue in this question. The mere lapse of time, the mere operation of nature, the progress of our population, removes that issue, and shows how futile and how erroneous it is. That is not the question. The question passes from under gentlemen who take that ground. Then what is it? We talk here about dissolving this Union; we talk about destroying our institutions; we talk about abandoning all the past, and all the glorious prospects of the future, because, forsooth, we will squabble over the distribution of a trust subject and a trust fund. We, the mere trustee, holding it but for an hour or a day, quarrel and destroy all our institutions, while there are the people of California—the *cestui que trust*—they to whom it belongs, they who are primarily entitled to it, ask and demand of you that you should not quarrel over the distribution of the trust fund, but that you should come up and surrender that trust subject itself into the hands of those who are its legitimate owners, that a sovereign State may be created out of it.

Sir, the bill which I advocate takes other grounds. I have shown the demerits of these territorial bills. I have shown that you are staking yourselves upon a temporary issue. I have shown that you are staking yourselves upon an issue, and upon the division of a fund, and upon the division of a spoil, that does not belong to us but for the fulfilment of the primary object of that trust; and the day and the hour when it belonged to us is past, and it belongs to them, for they are in condition to assume it for themselves, and exercise it according to the principles of our Government.

Again, sir, I offer this bill because, in the first clause, it declares that the people of California shall be at liberty to make a government for themselves. Look at the principle there. You have, as I am informed, one hundred and fifty thousand of your citizens there now. You will have, before this bill can go into operation, two hundred thousand there, which is twice or thrice as large a population as most of the States ever had when they were admitted into the Union. I ask you, who is there here who can stand back and refuse the surrender of the trust upon any grounds—personal, individual, sectional, or partisan? I ask you who, sir? None. None of you can; none of you ought.

The bill which I propose, in the first section, simply gives the consent of Congress to the people of California and New Mexico to create a government for themselves. The bills of the committee make governments in these halls, and send them in imperial power and strength to a reluctant people. The bill which I advocate invites the people of California, and affords them the facilities for the creation of a government founded upon their own will. It renounces the exercise of your territorial authority and jurisdiction. It recognises the great principle of popular supremacy and popular government. Sir, in that it but acknowledges the truth which is seen and felt at this moment all over the earth—the great truth, that popular constitutional government is the great self-sustaining machine of this age, possessing within itself all the virtue, all the strength, all the wisdom necessary for its creation, its preservation, its perpetuation. It requires no masters to direct its actions. It submits to no kings and rulers to control its councils. It requires no armies to maintain its existence. It is omnipotent here to-day. It will be omnipresent in Europe to-morrow. The next day it will be omnipresent and omnipotent everywhere. Who can resist it? I am a Virginian, and come here representing a community intimately connected and deeply interested in the “peculiar institutions” of the South; but upon what do they rest? Shall I keep this territorial question here, that, under the exercise of this arbitrary and tyrannical power—this power of making governments here for a people abroad—I may carry my institutions there? Why, if there is any thing great and venerable in the past, and in the recollections of us Virginians, it is that a foreign government, not further from us on that shore than our friends in California are on the other, could not and ought not, upon every principle upon which our Constitution and Government are formed, control and direct our legislation. Our slave institutions are based upon it. It is the right of the people in Virginia and Georgia to judge for themselves. Their protection and safety is in giving to the people of the States, and to the States themselves in their sovereign capacity, control over this subject; that there is no power here or any where but with the people of the States deciding for themselves as to their institutions and form of government. That is the principle upon which I place this whole question.

But again: the difficulty with gentlemen peculiarly sensitive upon points of honor is, that the South, while the President tells us, while the Cabinet tells us, while orators tell us, that slavery can never go there; while we hear that and believe it; while Virginia is told that the climate, soil, and position of this territory do not and will not permit us to carry our slaves there, we are told that there is some great, abiding, solemn question of honor that every southern man, who does not stand up to, is recreant to himself and forgetful of his ancestors. Now, I yield to no man on these points. I have yet yielded to no man on these points. Let us see how it is. The great merit of the bill which I present is, that it is a bill under which neither party is victorious, and neither party overcomes. *It is no compromise at all*, and therefore it recommends itself to me above any other proposition that has as yet been suggested. In all other suggestions or propositions which have been offered for disposing of it, there is a question of compromise; and the goodness or badness of the bargain, the extent of the demand you make on the one side, the spirit with which you stand up to it, and the courage or sagacity with which you maintain it, are all questions to be weighed, considered, and decided. How is it in this bill? Here are a people, numbering two hundred thousand, asking you to surrender the trust, to give them the rights guarantied to them, and for which this acquisition of territory was made; and I ask you, does the point of honor forbid your giving it up to them? I do not ask my friends of the North to surrender any thing to us. I do not, as a southern man, surrender any thing to them. The spirit of republicanism, the spirit of popular supremacy, comes at this "fourth watch of the night" over this tumultuous and tempestuous ocean, walking upon the waters, and saying, in the language of old, "Be of good cheer; it is I, be not afraid." It is but the spirit of the Revolution—it is but the spirit of our institutions that calls upon us. I shall not resist it. If there is dishonor in not resisting it, I submit to the impeachment. If there is principle in submission to it, I claim for it, when the bill comes up, the votes of all gentlemen who feel that it is a privilege and an honor to bow down to that before which our fathers of old made tyrants and governments bow down. That is my second reason. **IT IS NO COMPROMISE.** I prefer it above the Missouri compromise. I am going to hold nothing back. Here is my proposition, gentlemen of the North and gentlemen of the South. I prefer it above the Missouri compromise for this reason: Carry the line to the Pacific. Let it be decided that we have the right to the south and you to the north of that line; still—the territorial question being, as in the beginning I attempted to show, but a limited and temporary one—the great, solemn question as to the prohibition of slavery comes back upon us again in the creation of a State. If our citizens have gone there under the guarantee of the Missouri compromise; if there are more citizens for our institution than against it there, three, or

four, or five years hence, there is to be a new struggle, a new convulsion, new mischief, and new calamities. Presidential aspirants take hold of it. Ambitious gentlemen take hold of it. Partisan presses and leaders take hold of it. *I want repose, and the bill now offered gives finality to the question. I want the question ended.* I want it ended under this great principle that I have so feebly attempted to enforce.

I prefer it again to the compromise bill of last year. It is a better measure for the South, and a better measure for the North. Look for one moment at that compromise. It proposed to submit to the Judiciary of the United States this question, to be by them decided—whether we could, while that government is in a territorial condition, carry our slaves there? Suppose they decided for the South—suppose they decided for the North—what is the effect of the decision? Three or four years—no, not one year—would elapse, even before the case could be made, before the decision could be pronounced by the Supreme Court, the people of California would come here and say—We want no such decision; we are going to form a State government. Your law with regard to slavery in the Territory is a matter of no importance to us. We are about to become sovereign. We have now reached that period when, like men, we can walk; and we will not ask your hand to sustain or uphold us. We come as Americans; we say we have rights; we do not beg them as favors, we demand them as rights appertaining to us as American citizens. Before the question could be settled by the court, the State is admitted as a sovereign and independent State. During this period we are exposed to all the evils which result from the agitation and disturbance of this most pernicious question, both in these Halls and throughout the whole land.

What, then, is the great desideratum? I am not one of those who look most gloomily at the results of this slave question. I cannot believe there is the danger which many suppose; but I know there is, nevertheless, great danger. The bill which I propose has a merit which no other measure possesses. It is not wholly my measure; it would be in bad taste for me to speak of it in so strong terms of commendation if it were. The great principle of introducing these Territories as States belongs to others. I have only adopted and applied that principle to the exigencies of the present period.

But, to go on with the argument: I want finality to this question. How can it be attained? How can this question be relieved from perpetual agitation, but by the enactment of a law assenting to the surrender of this territorial power to those to whom it belongs, and taking it from us, to whom it does not belong, except in one event, in that necessity alone which would compel us to retain them as territories; and that has wholly passed and gone by in these now under consideration.

I offer you another reason. I deal in no declamation. I am attempting to

put this question on its true, important, fundamental principle. I do not depart from it. The bill which I propose differs from that of the very distinguished—and, I take this occasion to say, the very patriotic and determined—Senator in the other end of this Capitol, in this: it proposes to embrace all the territory ceded by Mexico to the United States. And why? Why is the word “all” inserted in the bill? This is the view which I take of this subject: In the joint resolutions for the annexation of Texas to the United States, among other conditions, it was stipulated that “said State was to be formed subject to the adjustment by this Government of all questions of boundary that may arise with other governments.” By this provision, the power was delegated by the State of Texas to the Government of the United States to settle and adjust her boundary with Mexico, which at that time was an open and undecided question. The United States assumed the trust and duty of adjusting that question with foreign nations. The right was a right under the resolutions of annexation, to settle it *for her*. Texas and the United States both looked to its adjustment by *treaty* with Mexico. Both looked to its adjustment by *negotiation* with Mexico. The President and Senate, as the treaty-making power, was that to which it was submitted, and through which it was to be effected. They have not fulfilled the trust; they have not “adjusted all questions of boundary which arose with other governments.” They are now unable to do so. The agent has, without discharging his functions or duty, appropriated to himself all the trust subject—all the lands in controversy, and others beside. It is all mingled and blended under one grant. There is no line of division. What were the rights of Texas, or what were the undisputed lands of Mexico ceded to the United States, have not been settled by *negotiation*, have not been adjusted between this Government and other governments. There is no line of division; there is no line of separation. And the question now is, who is to decide? The trustee? He who claims it *for himself*, when he was commissioned and intrusted to settle it for another? He who was sent abroad to adjust the title with another, acquires the other’s title and sets that up for himself against his principal and in violation of his trust. He who was sent abroad to treat for another, comes back with the treaty, conveying all to himself. He who assumed, as guardian and defender, to protect and maintain the rights of his ward, and the cause of the feeble, comes back in his power and demands the whole. Nay, more, sir; comes back and assumes that it is not only his, but that he is the sole and supreme *judge* of the question? Did Congress declare, or do the joint resolutions declare, that in the failure to adjust the question of boundary with Mexico, they thereby appropriated the territory in controversy to themselves, and became the masters of the subject? Oh no, sir! We are, all of us, too good lawyers to maintain such a proposition. We are too just, as men, to insist on such terms. Who, then, is to set-

tle this question as to the boundary of Texas? Shall Congress do it? Certainly not; she is a party to the controversy. The question is one between her and Texas, and she cannot decide in her own case. I repeat the interrogatory: who, then, is to settle the question; and how is it to be settled? Sir, the bill I have presented provides a mode and manner of its settlement, in accordance with the Constitution, and in accordance with the wishes and rights of all. It declares "that a new State may be created out of and including all that territory ceded to the United States by the treaty of peace, friendship, limits and settlement made with the Republic of Mexico, concluded the 2d February, 1848." It does not define, by metes and bounds, the lines of division between the new State thus created and the State of Texas. It grants all that is ours to the new State; and the new State takes it upon these terms in her grant. And then the question arises between Texas and the new State proposed to be created as to the *true boundary* between them. Here, then, are two coterminous States, with a simple question of boundary existing between them; California holding all we had to give; Texas holding all she was entitled to as against Mexico, when she created us her trustee to adjust it. The Constitution, on its very face, in express terms, has provided and declared, that "the judicial power shall extend to controversies between two or more States." And thus the whole question is submitted to the judicial tribunals for their decision and their adjudication.

See how beautifully the system works. Behold how harmoniously, and beautifully, and wisely those who framed it made it to work! These agitating questions, upon which we have voted, and combated, and declaimed, one party affirming and the other disaffirming the boundary of the Rio Grande, upon which we have gone into war, and which have entered into our Presidential contests, and engrossed all our party feelings and exertions, are all hushed and made silent by this bill; and the question is taken from this stormy tribunal, and from the popular agitations of the day, to that which has been provided by the Constitution—into the lower story of the Capitol, where judgment will be pronounced with all the justice and all the equity which do not belong to us, and with all the acquiescence which does belong to all American communities under the solemn decisions of her supreme judicial tribunals. This furnishes another reason why I have presented and now urge this bill.

I will now proceed a moment with the details of this bill. Gentlemen honor me most signally with their attention. I suppose it proceeds from nothing but the mere fact of my appearing so seldom before you. Let us look for one moment into the provisions of the bill. It consents to the creation of a State by the people of California and New Mexico, to take effect hereafter, on a day fixed in the bill. I am not going into the constitutional question. I have prepared, and have before me, a constitutional argument on that subject. I have

not time, under the one hour rule, to present it now. When the bill is brought forward, if the proviso is offered, I shall attempt to show that the question of the right of prescribing the Wilmot proviso is a very different one when applicable to a State, in the creation of a government and constitution for herself, from the question when applicable to a territorial government, such as is provided by the bills now on your table, in which that proviso is inserted.

I will merely state the points on which I rest the question. I have not time to elucidate them by argument. If the bill I advocate should find favor with the House; if the Territorial bills should be superseded; if investigation and examination shall induce gentlemen to come to the conclusion, that the condition of our country, both here and in California, requires that a State government should be created for the Territories—that the people there are entitled to such form of government—gentlemen of the North may insist on inserting this anti-slavery provision into this bill, as the condition on which the Territories will be permitted to create a State government.

The clause of the Constitution which guaranties to every State a republican form of Government, does not authorize Congress to interfere in the formation of a constitution. To say that we have the power to prescribe, is to declare that the people shall not create a constitution themselves. The very fact that you prescribe terms in its formation takes from it all its virtues, all its power, and subverts every principle on which it rests.

But again: The idea that there is a right in this Government to control a State in the formation of any clause of its constitution, assumes the power that you have a right to alter, to amend, or to change that constitution. I will not enlarge on this proposition. I merely announce it.

But again: The idea that this guarantee subjects the constitution of a State to the action of Congress, is in precise subversion and opposition to the principle on which it was made. That was a guarantee to each State against all the States. It was a guarantee that the State which had a republican form of government should not, by coming into this Union, be under the control of other States to abrogate or alter the constitution which they themselves have formed.

My fourth point is, that this clause of the Constitution is not that Congress shall have the right to enforce this guarantee. The clause does not confer a power upon Congress. It simply imposes a duty upon the States to make good the rights and republican forms of government created by the people of the States for themselves.

But there is another position. Those who made this Constitution did no work of supererogation or folly. The guarantee operates upon the State when admitted, and requires you to preserve a republican form of government, and that is the whole extent of the guarantee. I stated that the framers of the

Constitution did no work of supererogation. They guaranteed to Virginia a republican form of government. Suppose that her constitution was such as at this day, according to our ideas, was bad in its character, and opposed to your views and opinions, have you the power to cite us here to try our constitution, and see whether it suits you of the North, or you of the West? Why, the power is one which was intended for substantial purposes, for real purposes of self government. Suppose a State was admitted with a constitution prohibiting slavery, and the next day she turned round and repealed the provision; where is the power on earth to alter it?

Will you, gentlemen of the South, vote against the passage of this bill? Do you come forward and say, we will have a territorial government *nolens volens*, that slavery shall go there, or this Union shall be severed? Will gentlemen from the North say that this Government shall be dissolved if you take it there? Will neither party agree to surrender this territorial power? Do you say that we do not call for a rally of our friends merely in legislative halls; but you call for that rally which presents itself "in battle's magnificently stern array?" Do you call me to that array? Do you ask me to stand there, and stand there by my vote, and by my own will resist this great principle of constitutional liberty and popular supremacy in the State governments? If you do, I will not stand with you. The people will not stand with you. Justice is not with you. You war against the fundamental principles upon which our Government rests; upon which our institutions in the South can alone repose in safety.

Again: Gentlemen of the North, will you insist that the Wilmot proviso shall pass *nolens volens*? Why, your orators demonstrate day after day that there can be no slavery there. A gentleman the other day demonstrated to his satisfaction that the people who were there when we took the country do not desire the institution; and he demonstrated further, that those who are going there do not desire it. He showed to you, and it may be true, I make the passing remark, that in this effort, this career to reduce the country to our possession, the North had the advantage over us, that those in favor of free institutions had the advantage over us, which no power could check. Look, for a moment, at Virginia and the South. If a slaveholder wants to emigrate and to take his slaves with him, it is a work of time. His business affairs must be arranged. He is a man of substance and property. He has to collect the last year's hire; he has to collect the proceeds of the sale of his farm, and that is not the work of a moment. But that is not the case with those emigrating there from the North. Many of them are bold, intrepid young men, living on the Atlantic borders, who take ship, and, on the wings of the wind, or with the velocity of steam, go there before a slaveholder can turn round. Who from the West go there? The hardy hunter, who has no home except that bounded by the heavens and

the ocean. He throws his rifle on his shoulder, and, in the spirit of freedom, reaches it through boundless forests and trackless prairies. It is his country and his home; and he will arrive there and appropriate it, while the slaveholders are lingering about Virginia and South Carolina, attempting to get rid of their stock and their lands, and the thousand cares which surround us. Why, then, do gentlemen say we will have the Wilmot proviso, *nolens volens*? Is it in the mere consciousness of strength and of power? Is it merely because, in the wantonness of power, you choose, like Perditus, to despoil the lioness of her young? You cannot do it; you will not do it. I offer this remark in no taunt. I say to gentlemen of the North, if you want this thing, leave it to a great principle, leave it to natural causes, leave it to the principles upon which the Government is formed. I tell you, if you do not, the reproach and responsibility will belong to you and attach to you, in this wantonness of power, of forcing upon us issues which are unnecessary to your ends, and intended for our degradation. I beg gentlemen to remember, it would be of all things the greatest fatuity and the greatest folly. That strong man of old, who pulled down the building and perished amid its ruins, "was blind as well as strong."

What is the argument with which our Northern friends meet us? They say New Mexico is not prepared for a State Government. She must undergo territorial tutelage. Territorial tutelage! Why, look at it! In the beginning, when Kentucky, Tennessee, and Vermont were the objects upon which the minds of the framers of the Constitution rested, did they think that they needed territorial tutelage? Was it to teach them principles of freedom? No; the reason was that they were so few in number that they could not constitute a government. Tutelage! You, in the great day and the great hour of this question, are you to stop, like a mere pedagogue, to teach New Mexico and California the A B C of political liberty, while the destruction of an empire and a government might learn you the last lesson of its overthrow? Who, then, wants this delay? The demagogue may want it. He who wants to agitate a Presidential question, who wants a sectional advantage; he who, because he believes he is with the stronger, is willing to keep the question to oppress the weaker—he may defeat it; and when it is defeated, it is a defeat by the union of the pedagogue and the demagogue, neither of whom recognises the principles on which this Government is founded.

Sir, the territory is said to be too large. It is said that the population is sparsely, thinly scattered over it. Let it be so; what of it? Take the State which the Senator from Illinois (Mr. DOUGLAS) wants; it includes almost all the good land in that country. The residue is a barren and desolate region, where the population will be forever sparse. But what if it be? Cannot they, under their State government, govern it as well as we? Are we, through all

time, to convert this Hall from a hall of legislation upon grave questions, pertaining to the sovereignty of States, into one of municipal legislation for distant and remote provinces? No; it cannot and it ought not to be.

Mr. Chairman, in adopting the course of policy which I have this day advocated, and in offering this bill, my opinions have been supposed to be adverse to those of the commonwealth which I in part represent. It may be so. If it is, I do not know it. I say this is a question which we are bound here to settle before this Congress adjourns. The acquisition of California has already cost us much of feeling, of treasure, and of life. But frugality, industry, and enterprise may restore the lost treasure and replenish our exhausted exchequer. New generations will rise up and supply the places of those whom battle and disease have removed from among us. But still it will cost greatly beyond its value, unless by our wisdom and moderation, in these halls, we hold fast to those things which were given us, and which still remain to us. It will cost too much, though all her high mountains were mountains of gold; though her broad ocean may repose on reefs of coral and on heaps of pearl, unless her pacific wave shall flow tranquilly, harmoniously, calmly to our shore, in submission and homage to that standard of freedom and of *union* you have planted upon it.

The task is *ours* to arrest the evil—the *duty* is upon *us* to confront the danger. The glory will be ours, if we are true to ourselves to meet and overcome it. Sir, some may suppose that there is individual hazard and danger in the struggle—that some of us may be lost and overthrown in the conflict. I do not believe it. But let it be; it is but the attendant and incident to all actions that are ennobling and elevating. Sooner or later it will come to all of us; never on a field more worthy of the patriot. Let us attempt it *now*. Let us attempt it in that sentiment more to be cherished by the statesman than the soldier:

“Since all must life resign,
Those sweet rewards which decorate the brave
’Tis folly to decline,
And steal inglorious to the silent grave.”

In the proposition which I have submitted, and in the views which I have expressed to-day, I may not, in the opinion of some gentlemen, have met the views and opinions of Virginia. I tell you, Mr. Chairman, I have had my eyes full upon her. I have looked and dwelt and thought calmly and patiently upon this whole question. I have this day devoted myself to what I regard as her true honor, her present safety, her future glory and welfare. I have anxiously sought to serve her in the brief hour which is allotted me. I believe all her interests are indissolubly connected with the Constitution and *the Union*, and in their maintenance I feel, humble as I am, I do her service. Sir, I may be mistaken, but I cannot be regardless or unmindful of her interest; how could I be? “She was and she is a mother to me.” I owe her a sacrifice, if

her interest or honor demands it. And I am only worthy of *her* when I am wholly regardless of *myself*.

The principles which I this day advocate are wide and universal—great principles, that belong exclusively neither to the North, the South, the East, nor the West. I ask gentlemen to come forward and submit to that controlling principle that will settle this question. I ask them to forget their party relations for a moment. I ask them to look around this broad empire, and see the feverish, the painful, the unreasonable excitement that pervades all classes and all ranks. I ask them to witness the speeches which year after year are delivered—the feverish, the morbid, and sickly excitement that pervades this Hall. Recognise this principle—adopt the remedy embodied in this bill, and it will come over this House and over this nation like the sweet breath of spring to the chamber of disease—healing, strengthening, renovating all of us, so that we shall take up our beds, like the man of old, and run the great and glorious republican career which lays so full before us. Come up, all of you, and settle this question. There may be an extreme party at the North; there may be an extreme party at the South. I say to you in confidence, (I am no prophet, and pretend to be none,) this is the only door through which these territories can be safely incorporated into our system—the only just, patriotic, and harmonious manner in which this question *ever can* be settled. You may defer it now; but the men who defer it, who put it aside, saying that they are not ready now; and that they will attend to it at a “more convenient season,” will be regarded as unwilling guests. There is a great conservative party in the country, to be found north and south, in every portion of the Union, who see, feel, and appreciate the principles on which this bill rests, and the propriety and necessity of sustaining them; a broad clear highway is before them; they will tread it in security and confidence. I do not mean the Whig or the Democratic party; it may be and will be constituted of both. But upon it will be found that great republican national party who can and will maintain the Constitution and the Union. There are extremes to be found both north and south on this question. They who suppose this Union can be or will be dissolved on the issue of the Wilmot proviso, must and will be signally disappointed. I trust and believe the whole country will sustain the principle, and heartily and sincerely submit to the principle of popular and State sovereignty on which the proposed measure rests.

The hammer fell—Mr. P's allotted hour having expired.

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